

REMARKS

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendments, claims 1-18 are pending in the application, with claims 1, 14, and 18 being the independent claims. Based on the following Remarks, Applicant respectfully requests that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

Information Disclosure Statement

The Examiner indicated that the Information Disclosure Statement submitted on October 21, 2002, has been considered but the incorrect inventor name and title are listed in the header. Applicant submits that the subject Information Disclosure Statement was submitted in error. In response to the Examiner's comments, Applicant submits that the Examiner is correct that the cited art is not relevant in the present application, and that the correct Information Disclosure Statement was submitted on October 22, 2004.

Rejections under 35 U.S.C. § 102(e)***Claims 1-18***

The Examiner has rejected claims 1-18 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,418,472 to Mi et al. ("Mi"). Mi, taken individually or combined, fails to teach or suggest the application of a rate limit of the present invention, as is called for by independent claims 1, 14, and 18.

Mi describes a system by which a server can verify the identity of a client who is attempting to establish a connection over the Internet. As shown in Figure 3 of Mi, in this system, a client requests access to an object on the server, for example, a person may wish to download a file from a web site. Before the file can be downloaded, the server generates a session identifier, which identifies the requested session uniquely, and transmits the session identifier plus the verification agent to the client. When the client receives the verification agent, the client executes the verification agent which in turn accesses a processor number on the

client's machine, for example, a unique (or at least statistically unique) identification code hard wired into the processor core of the client's machine. The verification agent then calculates a hash value from information in the session identifier, and the processor ID and returns this hash value to the server. If the hash value returns within a set time period, the server checks to see whether the return processing number corresponds to a processor number in an allowed list of processors. If a process number is in the allowed list, the client is given access to the requested object. Embodiments are also disclosed in which the verification agent is already available on the client computer and therefore does not need to be downloaded as part of the verification process.

Mi, however, fails to teach or suggest rate limiting. Although the Examiner has taken the position that "applying a rate limit for verifying access" is disclosed by Mi's FIG. 3, step 350 of Mi (*see* Office Action, page 3), and that "applying an access rate limit" is disclosed by Mi's FIG. 3, step 300, the Mi patent is silent as to any rate limit or rate limiting.

In contrast, the present invention is directed to applying a rate limit to verify or limit access. Claim 1 calls for "applying *a rate limit* for verifying access to a service". Claim 14 calls for "applying *an access rate limit* until a user issuing an access request is verified". Claim 18 calls for "*a rate limiting access* to the server until a user of said apparatus is verified". The advantages of such rate limiting is explained on in the originally filed application. For example, the methods and system of the present invention adopt a different approach to standard security methods that assumes that a hacker will eventually be able to penetrate any defenses. *See* page 4, lines 8 *et seq.* It also allows legitimate users to use the system whilst it is under attack. *See id.* Such configuration involves *rate limiting* the number of requests to the same level at which call requests could be made from a telephone. *See id.*

For at least these reasons, Applicant respectfully submits that Mi does not anticipate independent claims 1, 14, and 18. Applicant submits that claims 2-13 and 15-17, which depend from claims 1 and 14 are allowable over the cited art for at least the same reasons noted above.

CONCLUSION

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicant believes that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided below.

The Commissioner is hereby authorized to charge any underpayment of fees associated with this communication, including any necessary fees for extension of time or additional claims, and/or credit any overpayment to Deposit Account No. 50-2319 (Order No. 461124-00038; Docket No. A-71400/DJB/VEJ/RBE).

Prompt and favorable consideration of this Amendment and Response is respectfully requested.

Respectfully submitted,

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